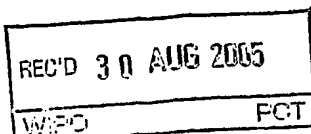


# PATENT COOPERATION TREATY



From the  
INTERNATIONAL SEARCHING AUTHORITY

## PCT

To:

see form PCT/ISA/220

22/9

### WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/IL2005/000281

International filing date (day/month/year)  
10.03.2005

Priority date (day/month/year)  
11.03.2004

International Patent Classification (IPC) or both national classification and IPC  
A61F2/32, A61F2/36

Applicant  
MOR, Amit

**1. This opinion contains indications relating to the following items:**

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1b/s(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

**3. For further details, see notes to Form PCT/ISA/220.**

Name and mailing address of the ISA:



European Patent Office  
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Tel. +49 89 2399 - 0 Tx: 523656 epmu d  
Fax: +49 89 2399 - 4465

Authorized Officer

Josten, S

Telephone No. +49 89 2399-2338



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/IL2005/000281

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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ in written format
    - ☐ in computer readable form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/IL2005/000281

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**Box No. V Reasoned statement under Rule 43b/s.1(a)(I) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

|                               |             |     |
|-------------------------------|-------------|-----|
| Novelty (N)                   | Yes: Claims |     |
|                               | No: Claims  | 1-8 |
| Inventive step (IS)           | Yes: Claims |     |
|                               | No: Claims  | 1-8 |
| Industrial applicability (IA) | Yes: Claims | 1-8 |
|                               | No: Claims  |     |

**2. Citations and explanations**

**see separate sheet**

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**Box No. VII Certain defects in the international application**

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The following defects in the form or contents of the international application have been noted:

**see separate sheet**

**Re Item V.**

1. Reference is made to the following documents:

D1 : US 5 725 597 A (HWANG ET AL) 10 March 1998 (1998-03-10)

D2 : DE 43 37 922 A1 (ILMENAUER IMPLANTATE MANUFAKTUR GMBH, 98693  
ILMENAU, DE; JAKOB, CHARLE) 11 May 1995 (1995-05-11)

D3 : FR 2 717 071 A (PROCERATI) 15 September 1995 (1995-09-15)

D4 : EP 0 524 874 A (HADES) 27 January 1993 (1993-01-27)

2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.  
Document **D1** discloses (the references applying to this document; see figures 2 and 5 of **D1**):

An enarthrotic prosthesis comprising:

a head member comprising an at least partially spherical ball 11 extending from a base member 19, said base member 19 rotatingly seated in a stem member 12, wherein said head member is rotatable with respect to said stem member 12 even after installation in a patient.

Thus, all the features of present claim 1 are known from **D1**. However, reference is made to the fact that the features of claim 1 are also known from **D2** (see figure 1), from **D3** (see figures 2 and 5) and from **D4** (see figures 8 and 9).

3. Dependent claims 2-8 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty (Article 33(2) PCT; see the quotations in the Search Report).

**Re Item VII.**

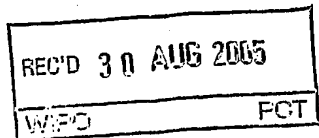
4. Claim 1 should have been cast in the two-part form in accordance with Rule 29(1) EPC with a preamble based on the disclosure of **D1**.

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING  
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/IL2005/000281

# PATENT COOPERATION TREATY



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WRITTEN OPINION OF THE  
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**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/IL2005/000281

International filing date (day/month/year)  
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2. **FURTHER ACTION**

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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/IL2005/000281

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**Box No. I Basis of the opinion**

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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/IL2005/000281

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**Box No. V Reasoned statement under Rule 43bis.1(a)(I) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

|                               |             |     |
|-------------------------------|-------------|-----|
| Novelty (N)                   | Yes: Claims |     |
|                               | No: Claims  | 1-8 |
| Inventive step (IS)           | Yes: Claims |     |
|                               | No: Claims  | 1-8 |
| Industrial applicability (IA) | Yes: Claims | 1-8 |
|                               | No: Claims  |     |

**2. Citations and explanations**

**see separate sheet**

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**Box No. VII Certain defects in the international application**

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The following defects in the form or contents of the international application have been noted:

**see separate sheet**



**Re Item V.**

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INTERNATIONAL SEARCHING  
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International application No.

PCT/IL2005/000281